

**NOV 16 2005**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MIGUEL VERDUSCO,

Defendant - Appellant.

No. 04-10699

D.C. No. CR-02-20070-JW

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
James Ware, District Judge, Presiding

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY and BERZON, Circuit Judges.

Miguel Verdusco appeals the 160-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Verdusco contends that because he was sentenced under mandatory Sentencing Guidelines we should remand for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). However, we conclude that Verdusco is bound by the terms of his plea agreement and decline to vitiate the terms of his bargained-for exchange with the government. *See United States v. Cortez-Arias*, 403 F.3d 1111, 1114 n.8 (9th Cir. 2005), *amended by* 425 F.3d 547, 548 (stating that “a favorable change in the law does not entitle a defendant to renege on a knowing and voluntary guilty plea” and that an “express and generally unrestricted waiver of appeal rights forecloses . . . objections . . . pursuant to *Booker* or *Ameline*”).

**DISMISSED.**